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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,456	10/29/2003	Kaname Joushita	K06-163174M/AT	4566

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MCGINN & GIBB, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,456

Applicant(s)

JOUSHITA, KANAME

Examiner

Lee Lum

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) all is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The disclosure is objected to because the following elements lack antecedent basis:
in Claims 1, 4, 5 – torsion angle,
in Claim 2 – rotational direction, clamped faces,
in Claim 3 – rotating direction,

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claims 1, 4 and 5, last paragraph, "corresponding to a/another case, in which the torsion angle..." is unclear.

The last paragraph of Claim 2 is unclear, including "at least either clamping faces and the clamped faces as the torque transmission faces of the elastic member confronting the former", and "locally".

In Claim 3, "the elastic member has a cavity portion...[and] is compressed to bury the cavity portion" is unclear. A "cavity" is "a unfilled space within a mass" (Merriam-Webster's Collegiate Dictionary, 10th Ed.), which the elastic member 45 does not have, and neither is it possible to "bury a cavity".

Claim 4 is unclear because the body of the claim recites the same structure as in Claims 1 and 2 (from which it depends), and it is unclear if these elements are additional, or otherwise.

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood, **Claims 1-5** are rejected under 35 U.S.C. 102(b) as being anticipated by Iwasaki et al 6364049.

As best understood, re **Claims 1-3**, Iwasaki discloses an electric power steering device 10 for transmitting rotation of electric motor 17 to a steering mechanism through small 41 (worm gear), and large 44 (worm wheel), gears, comprising

First member 43A (figs 4A/B; outer member) disposed on rotary shaft 40 of the motor,

Second member 43B (figs 4A/B; inner member) disposed at one end (fig 3) of the small gear,

Elastic member 43C/D interposed between the members,

The elastic member having a first elastic modulus corresponding to a torsion angle between the members that is less than a threshold (fig 4A, and “no load” – c4, in 32-42), and,

A second elastic modulus corresponding to a torsion angle more than, or equal to, the threshold (fig 4B, and “inputting the load”- c4, in 42-50),

The first modulus being less than the second,

The first and second members further having protrusions/projections 71/72 (clamping surfaces), respectively.

As best understood, re **Claims 4 and 5**, the reference also discloses a joint in an electric power steering system, the structure and means provided above.

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5. The prior art made of record, and not relied upon, is considered pertinent to the disclosure: Oka et al 6782771, Murakami et al 6550567, Appleyard 6491131, Shimizu et al 6390230, Eda et al 6044723, 5482127.

6. Communication with USPTO/Examiner

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 703 305-0232, M-F, 9-6. If attempts to reach the examiner are unsuccessful, her supervisor, Ms. Lesley Morris is at 703 308-0629. Our fax number is 703 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications: private PAIR only, for published applications: private or public PAIR. For more information re PAIR: <http://pair-direct.uspto.gov>. Questions re private PAIR: contact the Electronic Business Center (EBC) at 866 217-9197.

Lesley D Morris

**LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**

Ms. Lee S. Lum
Examiner
10/14/04

Lee S. Lum